

**OPINION  
55-97**

April 5, 1955           (OPINION)

REGISTER OF DEEDS

RE: Recording Judgments

This office acknowledges receipt of your letter of April 4, 1955, inquiring as to the proper interpretation to be made relative to the following statement of facts: There has been presented to the register of deeds of your county a certified copy of a judgment containing various leasehold and mineral interests in some fifteen or twenty counties and the judgment is approximately sixty-five legal size pages in length. The question you inquire about is: is it incumbent upon the register of deeds of your county to record the whole judgment in its entirety or only that part of the judgment and the legal description pertaining to Burleigh County?

Section 11-1805 of the 1953 Supplement to the N.D.R.C. of 1943 provides under subsection 9 that in the recording of a gas lease, describing one oil and gas lease, the register of deeds shall charge one dollar and fifty cents and for each additional oil and gas lease described therein twenty-five cents. Subsection 16 provides for the recording of a certified copy of a judgment one dollar and twenty-five cents. The practice by the register of deeds in cases where a judgment or an instrument requiring recording is presented containing the description of real estate in more than one county, the register of deeds shall record the instrument itself but only that part of the description which pertains to his particular county and after the description the words usually are inserted "and other real estate."

It is, therefore, the opinion of this office that your register of deeds should record the judgment but only that part of the description of real estate pertaining to Burleigh County and to make his charges therefor accordingly.

LESLIE R. BURGUM

Attorney General